



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**NOV 18 2014**

Paul Chabot  
12223 Highland Ave., #106-228  
Rancho Cucamonga, CA 91739

RE: MUR 6835

Dear Mr. Chabot:

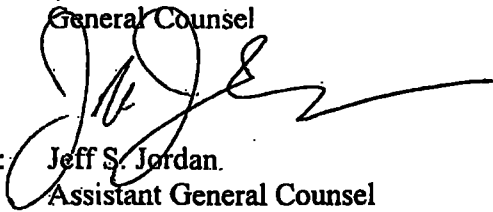
The Federal Election Commission reviewed the allegations in your complaint received on June 2, 2014. On November 5, 2014, based upon the information provided in the complaint, and information provided by the respondent, the Commission decided to dismiss the complaint and close its file in this matter. Accordingly, the Commission closed its file in this matter on November 5, 2014.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8) (formerly 2 U.S.C. § 437g(a)(8)).

Sincerely,

General Counsel

BY:   
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
Factual and Legal Analysis

# FEDERAL ELECTION COMMISSION

## FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Lesli Gooch for Congress  
and Jen Slater as Treasurer

MUR 6835

### I. INTRODUCTION

This matter was generated by a complaint filed by Paul Chabot on June 2, 2014, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act")<sup>1</sup> and Commission regulations by Lesli Gooch for Congress and Jen Slater in her official capacity as treasurer. It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

### II. FACTUAL AND LEGAL ANALYSIS

#### A. Factual Background

In this matter, Complainant Paul Chabot<sup>2</sup> alleges that Lesli Gooch for Congress and Jen Slater, in her official capacity as treasurer (collectively, the "Committee"),<sup>3</sup> violated the Act and Commission regulations by distributing a mailer that failed to include a disclaimer indicating the party responsible for the printed communication. Compl. at 1. Attached to the Complaint are copies of what appear to be two sides of a mail piece allegedly distributed by the Gooch campaign throughout California's 31<sup>st</sup> congressional district prior to the June 3, 2014 primary election. *Id.*, Attach. 1-2. Both sides of the mail piece include graphics such as handcuffs and

<sup>1</sup> On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

<sup>2</sup> Chabot and Lesli Gooch were opponents in California's June 3, 2014 Republican primary election. Chabot won the primary election with 26.6% of the vote.

<sup>3</sup> The Committee is the principal campaign committee of Lesli E. McCollum Gooch, unsuccessful 2014 primary election candidate for California's 31<sup>st</sup> congressional district.

loose currency, as well as images of President Bill Clinton, with text such as, “We can’t afford Paul Chabot’s costly decisions” (emphasis in original); “Paul Chabot was a political bureaucrat for Bill Clinton”; and “Paul Chabot pocketed nearly \$1 million of taxpayer money . . . .” *Id.* The return address on the mailer reads, “Lesli Gooch for Congress, 8816 Foothill Blvd., Suite 103-240, Rancho Cucamonga, CA 91730,”<sup>4</sup> and the mailer includes a pre-paid postage stamp. *Id.*

In response, the Committee acknowledges that, due to a “typographical error,” the mail piece at issue failed to identify the party responsible for the communication and failed to set apart written text in a “box/outline,” as required by the Act. Resp. at 1. The Committee states that on May 15, 2014, the mail piece was sent to a “targeted list of registered voters” in California’s 31<sup>st</sup> congressional district as “part of an overall voter contact effort” that included other forms of paid media and direct mail. *Id.* The Committee contends that during the mailer’s design process, “it appears that additional graphics caused the correct disclaimer at the bottom [of the mailer] to be pushed off the piece” and that the error was overlooked by the campaign in the final approval of the design proofs. *Id.* The Committee notes that the mailer includes the campaign’s address in “readable font size” with “visible contrast,” and that the correct disclaimer information appears on all other mail pieces sent by the campaign. *Id.*

## **B. Legal Analysis**

Whenever any person makes a disbursement for a “public communication” that expressly advocates the election or defeat of a clearly identified candidate, he or she must include a

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<sup>4</sup> Disclosure documents indicate that this was the mailing address of the Committee between February 27, 2014 and July 2, 2014. See Statement of Organization dated February 27, 2014 and Amended Statement of Organization dated July 2, 2014.

disclaimer.<sup>5</sup> 52 U.S.C. § 30120(a) (formerly 2 U.S.C. § 441d(a)); 11 C.F.R. § 110.11(a)(2), (b).

Regardless of content, all public communications authorized and paid for by a candidate, an authorized committee of a candidate, or an agent of either, must clearly state that the communications were paid for by the authorized political committee. 52 U.S.C. § 30120(a) (formerly 2 U.S.C. § 441d(a)); 11 C.F.R. § 110.11(b)(1).

In this matter, the Committee acknowledges that the mailer did not include a proper disclaimer.<sup>6</sup> However, the exact scope and cost of the mail piece is unknown, although the Committee notes that it was sent to a “targeted list of registered voters.” Finally, the Committee asserts that proper disclaimers were included on other mail pieces during the campaign. As noted by the Committee, its mailing address was included on the mailer. Thus, there was some identifying information on the mailer, which linked it to the Committee. Accordingly, the Commission does not believe further resources are warranted to assess the magnitude of the Committee’s expenditure and, therefore, dismisses this matter pursuant to its prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821 (1985).

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<sup>5</sup> A public communication is “a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.” 52 U.S.C. § 30101(22) (formerly 2 U.S.C. § 431(22)); 11 C.F.R. § 100.26. The term public communication is defined to include mass mailings. *Id.* A mass mailing, in turn, is defined as a mailing of more than 500 pieces of mail of an identical or substantially similar nature within any 30-day period. 52 U.S.C. § 30101(23) (formerly 2 U.S.C. § 431(23)); 11 C.F.R. § 100.27.

<sup>6</sup> In light of the Committee’s acknowledgment, the Commission assumes that the mailer qualified as a “public communication” under 11 C.F.R. §§ 100.26, 100.27, and 110.11(b)(1).